

**FSRA**Financial Services Regulatory  
Authority of Ontario

Ontario

**ARSF**Autorité ontarienne de réglementation  
des services financiers[www.fsrao.ca](http://www.fsrao.ca)25 Sheppard Avenue West  
Suite 100  
Toronto ON  
M2N 6S6Telephone: 416 250 7250  
Toll free: 1 800 668 012825, avenue Sheppard Ouest  
Bureau 100  
Toronto (Ontario)  
M2N 6S6Téléphone : 416 250 7250  
Sans frais : 1 800 668 0128**VIA E-MAIL**

April 15, 2021

Attn: Sheila Smith  
[sheila.smith1@thermofisher.com](mailto:sheila.smith1@thermofisher.com)  
Administrator  
Fisher Scientific Company  
112 Colonnade Road  
Nepean, ON K2E 7L6

and

Attn: Frédéric Gendron  
[frederic.gendron@mercer.com](mailto:frederic.gendron@mercer.com)  
Actuary  
Merer (Canada) Limited  
1981 McGill College Avenue., Suite 800  
Montreal QC H3A3T5**Re: Fisher Scientific Company Employees' Pension Plan  
Registration Number 0250191**

---

Enclosed, please find the Notice of Intended Decision with respect to the above noted pension plan.

Yours truly,

Mitzi D'Souza  
Administrative Assistant, Pensions

Enclosure

C: Fabiola Mannavarayan, Financial Services Regulatory Authority of Ontario

**IN THE MATTER OF** the *Pension Benefits Act*, R.S.O. 1990, c. P.8, (the “Act”), in particular subsection 62.1(5);

**AND IN THE MATTER OF** Fisher Scientific Company Employees’ Pension Plan, Registration Number 0250191 (the “Plan”).

### **NOTICE OF INTENDED DECISION**

**TO:** Fisher Scientific Company.  
112 Colonnade Road  
Nepean ON K2E 7L6

Attention: Sheila Smith

*Employer and Administrator*

**AND TO:** Frederic Gendron  
Mercer (Canada) Limited  
1981 McGill College Avenue, Suite 800  
Montreal QC H3A 3T5

*Actuary*

**TAKE NOTICE THAT** pursuant to subsection 62.1(5) of the Act, and by delegated authority from the Chief Executive Officer of the Financial Services Regulatory Authority of Ontario (the “Chief Executive Officer”), the Head, Pension Plan Operations and Regulatory Effectiveness (the “Head”), intends to consent to the payment out of the pension fund in respect of the Plan to Fisher Scientific Company, in the amount of \$87,800 as at June 30, 2019, plus investment earnings thereon to the date of payment. Details of this intended decision are described below.

**SI VOUS DÉSIREZ RECEVOIR CET AVIS EN FRANÇAIS**, veuillez nous envoyer votre demande par courriel immédiatement à: [contactcentre@fsrao.ca](mailto:contactcentre@fsrao.ca).

**YOU ARE ENTITLED TO A HEARING BY THE FINANCIAL SERVICES TRIBUNAL (THE “TRIBUNAL”) PURSUANT TO SUBSECTION 89(6) OF THE ACT.** A hearing by the Tribunal about this Notice of Intended Decision may be requested by completing the enclosed Request for Hearing Form (Form 1) and delivering it to the Tribunal within thirty (30) days after this Notice of Intended Decision is served on you. The Request for Hearing Form (Form 1) must be mailed, delivered, faxed or emailed to:

Address: Financial Services Tribunal  
25 Sheppard Avenue West  
Suite 100,  
Toronto, ON M2N 6S6  
Attention: Registrar

Fax: 416-226-7750

Email: [contact@fstontario.ca](mailto:contact@fstontario.ca)

**TAKE NOTICE THAT if you do not deliver a written request for a hearing to the Tribunal within thirty (30) days after this Notice of Intended Decision is served on you, an order will be issued as described in this Notice of Intended Decision.**

For additional copies of the Request for Hearing Form (Form 1), visit the Tribunal's website at [www.fstontario.ca](http://www.fstontario.ca).

The hearing before the Tribunal will proceed in accordance with the *Rules of Practice and Procedure for Proceedings before the Financial Services Tribunal* ("Rules") made under the authority of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22. The Rules are available at the website of the Tribunal: [www.fstontario.ca](http://www.fstontario.ca). Alternatively, a copy can be obtained by telephoning the Registrar of the Tribunal at (416) 590-7294, or toll free at 1-800-668-0128 extension 7294.

## **REASONS FOR INTENDED DECISION**

1. Fisher Scientific Company is the employer and administrator of the Plan (the "Employer").
2. The plan was wound up effective December 31, 2016.
3. The Plan had a wind up funding deficit of \$2,552,000 under section 75 of the PBA, as per the wind up report as at December 31, 2016, filed by the Plan's actuary. The Employer has been funding the liability by way of contributions under section 75 of the Act.
4. On November 7, 2018, the Employer, made a final lump sum contribution of \$2,333,100 to fully fund the wind up deficit.

5. Information provided by the Employer on August 14, 2019, as part of the Employer's application under section 62.1 of the Act, showed that there were assets in the amount of \$87,800 as at June 30, 2019, remaining in the Plan's pension fund after all benefits related to the wind up had been settled.
6. In these circumstances, subsection 32(4) of Regulation 909 states that the money remaining in the fund may be paid to the Employer in accordance with subsection 62.1 of the Act, as if the money was an overpayment into the pension fund by the Employer within the meaning of clause 62.1(1)(b) of the Act.
7. The Employer has applied for payment of \$87,800 as described in paragraph 5.
8. Subsection 62.1(4) of the Act states that if an employer makes an overpayment into the pension fund, the application for reimbursement for the payment must be filed before the later of: (a) 24 months after the date on which the employer made the overpayment; and (b) six months after the date on which the employer, acting reasonably, becomes aware of the overpayment.
9. The Employer's application for reimbursement of the overpayment was made on August 14, 2019. This date is within 24 months after the date on which the Employer made the over payment described in paragraph 4. Accordingly, the application has been filed within the time limits set out in subsection 62.1(4) of the Act.
10. Such further and other reasons as may come to my attention.

**DATED** at Toronto, Ontario, April 14, 2021.



---

Jennifer Rook  
Head, Pension Plan Operations and Regulatory Effectiveness

By delegated authority from the Chief Executive Officer